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AUG 25 2004

In re Application of  
Bartolomei et al  
Application No. 09/537,095  
Filed: March 29, 2000  
Attorney Docket No. DEP05 510

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: DECISION GRANTING PETITION  
: TO WITHDRAW HOLDING OF  
: ABANDONMENT  
:

This is a decision on the Request To Remail Office Action and Restart the Period For Reply filed on February 18, 2004, requesting withdrawal of the holding of abandonment of the above-identified application because the applicant did not receive the Office communication mailed on October 30, 2001 at the correspondence address of record. The Request will be treated as a petition to withdraw the holding of abandonment based on not receiving the Office communication.

The petition is granted.

Petitioner provided a statement that the Office communication in question was not received at the correspondence address of record. The Office communication was mailed between October 13, 2001 and January 2, 2002, when delivery of mail from the Office to certain regions of the country was delayed.

Accordingly, the application is not abandoned in fact because the applicant did not receive the Office communication. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office communication will be remailed and the shortened statutory period that was originally set forth in the Office communication shall be restarted to run from the mail date of the newly supplied Office action or notice.

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